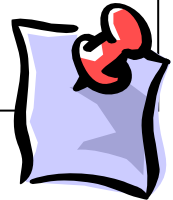


Memorandum

Date: November 7, 2008
To: Licensed Salons and Other Interested Parties
From: Kris Chiles, Office Administrator
Behavioral Health & Consumer Services
RE: Statutory Changes Effective 12/01/2008

Please share this
information with employees

Thank You



Statute Changes Effective December 1, 2008

LB 463 passed during the 2008 Legislative Session. The ultimate goal of this bill was to create uniformity in processes to (1) gain greater efficiency for both license holders and the Department (2) better educate the public about who has to hold a license in order to provide health and health-related services; what that license allows them to do or not do and (3) what the State can do when certain acts, omissions, or behaviors are committed. Additionally, this bill made several changes to the Cosmetology Practice Act.

Changes relating to SALON Licenses:

1. Intoxicating beverages/controlled substances will not be allowed in a salon at any time. Previously the statutes stated (Neb Rev Stat Chapter 71-3,125 (9)) stated that: the salon shall not knowingly permit its employees or clients to use, consume, serve, or in any manner possess or distribute intoxicating beverages or controlled substances upon its premises during the hours the salon is open to the public.

Effective December 1, 2008, Neb Rev Stat Chapter 38-1086 (8) states: The salon shall not knowingly permit its employees or clients to use, consume, serve, or in any manner possess or distribute intoxicating beverages or controlled substances upon its premises.

2. Renewal changes:
 - a. As a condition of renewal, salons must provide evidence of minimal property damage, bodily injury, and liability insurance coverage for the salon.
 - b. Only one renewal notice will be mailed. Salon licenses expire on September 30, 2009; if the salon has not submitted a complete renewal on or before September 30th, the license will EXPIRE and the salon must cease operation. Salons that continue to operate after the expiration date of the license will be charged \$10 for each day of operation (up to \$1,000). If the salon wishes to resume operation, an original application must be submitted, approved and a new license issued before operating.

Changes relating to INDIVIDUAL Licenses:

1. Requires an applicant to be a citizen of the U.S.; an alien lawfully admitted to the U.S. and eligible under federal law; or a nonimmigrant whose visa is related to such employment in the U.S.
2. Continuing Competency (Continuing Education/CE)
 - a. Standardizes for all professions that continuing competence requirements may be waived by the Department for only the following 2 situations:
 - (1) Service in the US armed forces; and
 - (2) First credentialed within the 24 months before the license expires (previously a waiver was allowed only if the licensee was first licensed in the previous 12 months); and
 - b. This law removes disabling illness or physical disability as an option for requesting a CE waiver.

3. Standardizes the renewal process (for all professions) to include that:
 - a. The Department will only send 1 renewal notice at least 30-days prior to the expiration date of the license;
 - b. Failure to renew or request inactive status prior to the expiration date will result in the license becoming expired. Expired credentials will no longer be revoked for failure to respond to the renewal notice. When the credential expires, the holder no longer has the right to represent himself or herself as a credentialed person and to practice the profession;
 - c. If the licensee wishes to practice after the expiration date of his/her license, s/he must request a reinstatement application and submit such to the Department along with the renewal fee and a reinstatement fee;
 - d. Inactive status must be requested in writing and may be requested any time during the year and license may remain on inactive status for an indefinite period of time; and
 - e. There will be no charge for inactive status (previously required a fee of \$25 for inactive status).

You can view this statute in its entirety at: <http://www.dhhs.ne.gov/crl/statutes/statutes.htm>

Practice Regulations to Change in 2009

Given the statutory changes that will be effective December 1, 2008, (due to the passage of LB 463), the Board is again working on revisions to the regulations (individuals, salons, and schools) in order to comply with the new statutes. As these changes are finalized, you will be able to view them on the Department's web-site at <http://www.sos.ne.gov/rules-and-regs/regtrack/index.cgi>

All Licensure/Renewal Fees Have Increased (effective 8/30/08)

Title 172 NAC 2 – 2008 State of Nebraska Regulations Relating to Professional and Occupational Licensure Fees is the new fee chapter that relates to all professions and occupations; it can be viewed in its entirety on the Department's Web-site at <http://www.dhhs.ne.gov/crl/crlindex.htm> Pages 1 through 3 include fee information generic to all professions regulated by the Department and the fee chart (starting on page 4) lists all professions and their respective fees (in alphabetical order by license category).

1. The fee for a salon license and renewal of the license changed to \$150; however, if a new salon application is submitted April 1 2009 through September 30, 2009, the license fee will be prorated to \$37.50 (renewal is not prorated).
2. The license fee for an individual is \$95; and renewal is \$118.

Reminders:

1. Each salon license issued is only for the owner or owners and premises named on the original application. The license expires automatically upon any change of owner or location. An original application for licensure must be submitted and approved before such salon may reopen for business. Applications are to be submitted at least 30 days before planning to operate under the new owner or location. A sketch of the salon must also be submitted.
2. Permanent Color Technology (Permanent Cosmetics or Permanent Makeup) is NOT part of the practice of cosmetology or esthetics; an individual must hold a permanent color technology license before providing these services and a body art facility license is required for all locations where body art is provided.
3. Hair removal such as waxing or tweezing must occur in a licensed cosmetology or esthetics salon. This activity can not be provided in a business that holds only a nail technology salon license.

If you have questions, feel free to contact Carol Ann Gray at carolann.gray@nebraska.gov or 402-471-4920 or Kris Chiles at kris.chiles@nebraska.gov